

**FSM 2700 - SPECIAL USES MANAGEMENT
CHAPTER 2770 - FEDERAL POWER ACT PROJECTS**

Digest--Continued:

of October 24, 1992, as an authority that amended FLPMA and the need for a Forest Service authorization for the continued operation of hydropower projects licensed or exempted by FERC as of October 24, 1992. Adds a new paragraph 5 (formerly para. 4) revising the cross-reference to delegations of authority to the Chief on hydropower matters in Title 7, Code of Federal Regulations, from section 2.60(a)(22) to section 2.60(a)(28).

2770.2 - Corrects a typographical error by replacing “protect or effectively utilize” to “protect and effectively utilize.”

2770.3 - Revises, reorganizes, and enumerates paragraphs in this section setting out agency policy regarding the role of the Forest Service in preparation of environmental documentation for processing hydropower licensing applications.

Paragraph 10 sets out revised policy that the Forest Service participate with FERC in the preparation of needed environmental documentation, and paragraph 11 sets out policy that the Forest Service coordinate with FERC to provide information and rationale to support 4(e) conditions, 10(a) recommendations, or other conditions contained in FERC environmental analysis; this direction set out in paragraphs 10 and 11 revises the policy previously contained in the unnumbered third paragraph of this section which required the Forest Service to provide environmental documentation.

Paragraph 12 adds direction for the Forest Service to encourage project owners of unlicensed projects on National Forest System lands to obtain a determination from FERC regarding jurisdiction under the Federal Power Act.

Direction previously set out in the unnumbered fifth paragraph of this section has been removed; this direction required the Forest Service to issue special use authorizations for all hydropower projects licensed by the FERC and stated that only the Chief may deny a special use authorization for a FERC-licensed hydropower project and that the Regional Forester may, for compelling reasons and with appropriate documentation, recommend denial action to the Chief.

2770.4 - In paragraph 1, changes the responsibility for signing reports and making recommendations for approval or denial of projects proposed in designated wilderness areas or other special areas requiring Presidential approval from the Associate Deputy Chief to the Deputy Chief, National Forest System. Removes the former paragraph 2f requiring the Director of Lands, Washington Office, to forward to FERC those Regional Forester decisions involving section 4(e) of the Federal Power Act. In paragraph 3a, removes the former requirement that Regional Foresters in Regions 2, 3, 8, 9, and 10 transmit reports pursuant to section 4(e) of the Federal Power Act to the Washington Office, Director of Lands for forwarding to FERC.

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2771 - Revises direction to clarify when a Forest Service special use authorization is or is not required for hydropower projects involving the use of National Forest System lands pursuant to the Federal Land Policy and Management Act, as amended by the Energy Policy Act.

2772.1 - 2772.12 - Revises direction on the role of the Forest Service in environmental analysis and documentation for hydropower projects involving National Forest System lands and resources; FSM 2772.11 clarifies that FERC is usually the Federal lead agency for licensed projects when an environmental impact statement is to be prepared, and FSM 2772.12 states that the Forest Service is responsible for NEPA compliance for hydropower projects on National Forest System lands exempt from a FERC license.

2775.3 - Revises direction concerning hydropower projects in “designated” and “study” Wild and Scenic Rivers Act areas on National Forest System lands.

2775.32 - Adds new direction concerning hydropower projects in Forest Service identified “designated” and “study” wild and scenic rivers areas on National Forest System lands.